

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE MORGAN STANLEY MORTGAGE
PASS-THROUGH CERTIFICATES
LITIGATION,

This Document Relates To:

ALL ACTIONS.

MASTER FILE NO. 09-CV-2137-KBF

ECF Case

CLASS ACTION

**PLAINTIFFS' NOTICE OF MOTION AND MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND
APPROVAL OF PLAN OF ALLOCATION OF SETTLEMENT PROCEEDS**

PLEASE TAKE NOTICE that, pursuant to the Court's September 10, 2014 Order Preliminarily Approving Settlement and Providing for Notice (ECF No. 309), and the Court's September 15, 2014 Order (ECF No. 311), on December 18, 2014, at 1:00 p.m. in Courtroom 15A at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, the Honorable Katherine B. Forrest presiding, Lead Plaintiffs, the Public Employees' Retirement System of Mississippi and West Virginia Investment Management Board (together, "Lead Plaintiffs"), and former named plaintiffs and proposed class representatives NECA-IBEW Health and Welfare Fund, Pompano Beach Police and Firefighters' Retirement System, and Carpenters Pension Fund of West Virginia (collectively with Lead Plaintiffs, "Plaintiffs"), on behalf of themselves and the Settlement Class, will and hereby do, move for final approval of the proposed Settlement between Plaintiffs, on behalf of themselves and the Settlement Class, and Defendants Morgan Stanley Capital I Inc., Morgan Stanley Mortgage Capital Inc., Morgan Stanley Mortgage Capital Holdings LLC, Morgan Stanley & Co.

Incorporated, Morgan Stanley, and the Individual Defendants; and for approval of the proposed Plan of Allocation.¹

Plaintiffs are currently aware of no opposition to this Motion.

This motion is based upon the Memorandum of Law in Support of Plaintiffs' Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation of Settlement Proceeds, the Joint Declaration of David R. Stickney and Arthur C. Leahy in Support of Motion for Final Approval of Settlement and Plan of Allocation, and Application for an Award of Attorneys' Fees and Expenses, the exhibits thereto, the record and proceedings in this Action, and such other matters the Court may consider at the time of the hearing.

Dated: November 13, 2014
San Diego, California

Respectfully submitted,

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¹ Unless otherwise noted, capitalized terms have the meanings set out in the Stipulation and Agreement of Settlement, dated September 5, 2014 (ECF No. 307).

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